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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,137	05/10/2001	Marty J. Ryberg	101948017US1	6194

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/853,137

Applicant(s)

RYBERG, MARTY J.

Examiner

Scott Beliveau

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2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,4-15 and 18-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Scott Beliveau
Examiner
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 21 April 2006 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding the rejection of claims 15 and 18-20 under Galipeau et al. such that the reference fails to teach or disclose the usage of an integrated signal unit that reformats the plurality of signals into reformatted information and transmits the reformatted information to the passenger seat, the examiner respectfully disagrees. As illustrated in 9B, Galipeau et al. discloses the particular usage of an "integrated signal unit" or integrated seat box. As illustrated in further detail in Figures 6A/B, the system receives signals in one particular format (ex. IEEE-1394) and distributes them in another format (ex. USB) and in the reverse signal direction receives signals in one format (ex. USB) and distributes them in another format (ex. IEEE-1394). The particular arrangement of components such that separate wiring is not necessary is not claimed, nor is it the opinion of the examiner that such would render the claim patentable. Finally, regarding the particular usage of "unused channels", as noted in the rejection of record, it is unclear as to how/why the Galipeau et al. system could operate to send data for output to the passenger via a used or busy channel.

With respect to applicant's arguments regarding the rejection of claims 1, 2, and 4-14 using the combination of Galipeau et al. and Garney et al., applicant's arguments are premised upon the examiner relying on hindsight as well as there being a lack of motivation to combine the teachings. In response to applicant's argument that the examiner's conclusion

of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Furthermore, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Galipeau et al. discloses the particular reformatting of a signal and the particular usage of USB within an aircraft environment. Garney et al. provides evidence as to the existence of wireless USB and desirability to utilize wireless USB (Col 1, Lines 60-63). Neither Garney et al. or Galipeau et al. provide any teachings that would discourage the particular usage of a short-range wireless USB link within an aircraft. Similarly, the particular usage and implementation of wireless networks in aircraft is well within the ordinary skill in the art as conceded by applicants (IA: Page 1, Line 12-18). It is commonly known in the art that physical USB connections are inherently limited based upon the physical characteristics of the cabling and the usage of wireless USB advantageously provides for a means to overcome this limitation, thereby increasing mobility (ex. Hamdi et al.: Col 5, Line 59 – Col 6, Line 9). It is also well established that the particular elimination

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of wiring aboard aircraft is desirable to reduce weight and maintenance requirements (ex. Kuo: Col 1, Lines 26-33). Accordingly, it is the examiner's position that the particular combination did not involve improper hindsight and that one having ordinary skill in the art would have been sufficiently motivated to replace the particular wired USB segment of Galipeau et al. with a wireless USB link in order both reduce weight requirements associated with interconnecting the integrated unit to the numerous seats in a Boeing 727 or 737 and to further eliminate physical limitations associated with the cabling.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., usage of a single transmitter) are not recited in the rejected claim(s) nor does it appear to be supported in the specification as originally filled. The application does not appear to be directed towards or support the complete elimination of wiring throughout the entire aircraft. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB
May 5, 2006

Scott Beliveau
Examiner
Art Unit 2623